

REMARKS

This response is provided in reply to an Office Action mailed **June 16, 2005**. Claims 1-28 remain pending with this response. All of the pending claims were rejected under 35 USC §103(a) in view of various combinations of references, as detailed below. With this response, the rejection of such claims is respectfully traversed. Accordingly, reconsideration of this application is respectfully requested.

§103(a) Rejection of Claims 1-28

In the Action, claims 1-5, 11, 13-14, 18-21 and 24-28 were rejected as being unpatentable over patents issued to Thakker (USP 6,487,602) and Johnson, et al. (USP 6,556,826) further in view of Tsoukas (WO 9741654), pursuant to 35 USC §103(a). In response, Applicant respectfully traverses the basis of such rejection.

In **paragraph 1** of the Action, claim 1 was rejected as being unpatentable over Thakker and Johnson further in view of Tsoukas. Claim 1 includes a limitation wherein preparing the message to be transmitted includes "receiving an indication of one or more attributes defining a user defined event associated with the message." The Action concedes that neither Thakker nor Johnson, alone or in combination, discloses such limitation. In rejecting the claim, the Action relies on Tsoukas to teach such limitation. However, as described in greater detail below, Tsoukas fails to disclose or suggest receiving an indication of one or more attributes defining a user-defined event associated with the message as claimed in pending claim 1.

The Tsoukas reference (Pg.2, Par.8 - Pg.3, Par.15) merely describes a method for disseminating information to subscribers of a telecommunications network by storing customer-defined profiles, receiving, at a message distribution center, data from a continuously updated

information source, processing the data to produce messages for subscribers in accordance with their profiles, and transmitting the messages to the subscribers. In this regard, Tsoukas only generally describes receiving data from a continuously updated information source without disclosing or even suggesting the particular limitations of rejected claim 1; **specifically, Tsoukas nowhere discloses or suggests receiving an indication of one or more attributes defining a user defined event associated with the message.** The only "receiving" described in Tsoukas relates to generally receiving data at a message distribution center. The received data in Tsoukas relates to information which is updated substantially continuously or at regular intervals, for example, stock market databases, traffic information, sports information, and betting services (Tsoukas Pg.1; 5-7). Contrarily, the "receiving" in claim1 includes an indication of one or more attributes defining a user defined event associated with the message. The mere receiving of data, such as stock data, does not suggest or disclose receiving an indication of one or more attributes defining a user defined event associated with the message. Furthermore, the Tsoukas method is directed to disseminating information to subscribers where claim 1 is directed to a method of transmitting a message from a portable communication device.

Applicant respectfully submits that the Action further fails to provide a proper motivation to combine the cited references. The Action alleges it would have been obvious to one of ordinary skill in the art at the time of invention to include receiving an indication of one or more attributes defining a user-defined event associated with the message in order to offer a method for disseminating information to a subscriber, based on a customer-defined profile. However, a motivation to disseminate information to a subscriber is dissimilar in purpose and function to the limitations of claim 1 that are directed to preparing a message to be transmitted from a portable communication device, wherein preparing includes receiving an indication of one or more attributes defining a user defined event associated with the message. Applicant submits that an

artisan would not be motivated after a reading of the Tsoukas reference to include receiving an indication of one or more attributes defining a user defined event associated with the message without using the pending claim as a model. In this regard, Applicant respectfully submits that the Action uses impermissible hindsight reconstruction to find the elements of rejected claim 1 in the prior art.

In this regard, Applicant respectfully asserts that neither Thakkar and Johnson nor the Tsoukas references, alone or in combination, disclose or suggest that which is claimed in claim 1. Accordingly, Applicant respectfully requests that the §103(a) rejection of claim 1 be withdrawn.

Applicant notes that base claims 13, 19, and 24 enjoy features analogous to those presented above in claim 1, wherein the method comprises receiving an indication of one or more attributes defining a user defined event associated with the message. Accordingly, Applicant respectfully submits that claims 13, 19, and 24 are similarly not rendered obvious by the combined references using arguments analogous to those presented above for pending claim 1. As such, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

Applicant further notes that claims 2-12, 14-18, 20-23, and 25-28 depend from base claims 1, 13, 19, and 24, respectively. Thus, in addition to any independent bases for patentability, such claims are likewise not rendered obvious by virtue of at least such dependence on non-obvious base claims 1, 13, 19 and 24, respectively. Accordingly, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

Conclusion

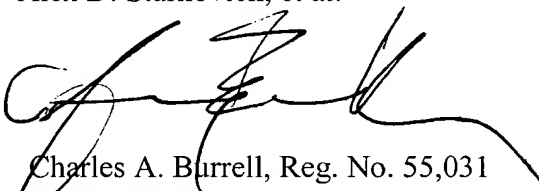
The foregoing is submitted as a full and complete response to the Office Action mailed **June 16, 2005**. In view of the foregoing amendments and remarks, Applicant respectfully submits that pending claims 1-28 are in condition for allowance and a notification of such allowance is respectfully requested.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 ext 235 is respectfully solicited.

Respectfully submitted,
Alex D. Starkovich, et al.

Dated:



Charles A. Burrell, Reg. No. 55,031
Patent Agent
Intel Corp.

c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA 90025-1026
(503) 264-3059